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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/592,969	06/25/2008	Silvia Gerstner	2004P00358WOUS	4067
46726	7590	10/14/2011	EXAMINER	
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562			ROHRHOFF, DANIEL J	
			ART UNIT	PAPER NUMBER
			3637	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/592,969	GERSTNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL ROHRHOFF	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 April 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) Claim(s) 10-20 is/are pending in the application.
  - 5a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 10-17 and 20 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 9/14/06 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date. _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/2011 has been entered.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The specification does not contain section headings. Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the refrigerator comprising an inner space enclosed by a heat-insulating housing of claims 10 & 20; and the door compartment of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 10 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leimkuehler et al. (US patent application publication 2003/0020385) (hereinafter Leimkuehler) in view of Fisher (US patent 1,967,666).

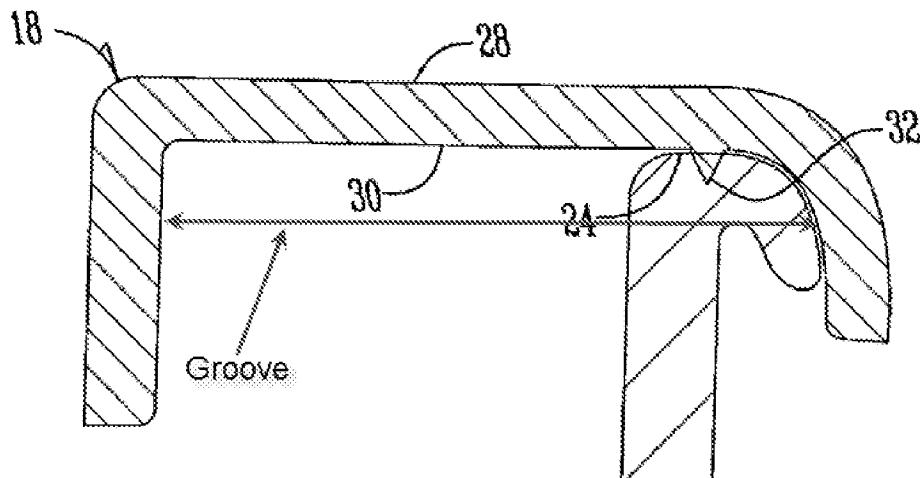
7. Regarding claim 10, Leimkuehler discloses a refrigerator comprising: an inner space (inside of 10) enclosed by a heat-insulating housing (walls of 10); at least one compartment (16) for accommodating articles to be cooled and being disposed within the inner space (Fig. 1) and having a curved edge (24); and a strip (18) disposed on a top of curved edge (Figs. 2-4) and including a plastic core (¶ 21).

8. Leimkuehler does not disclose a metal jacket holding the plastic core in a curved configuration. Fisher teaches an object (1) having a curved edge (perimeter of 1) surrounded by a metal jacket (6) holding a core (5) in a curved configuration (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the refrigerator of Leimkuehler wherein the edges of strip 18 are surrounded with a metal jacket as taught by Fisher, since it would have provided a decorative metal facing on the strip.

9. Regarding claim 20, Leimkuehler discloses a refrigerator comprising: an inner space (inside of 10) enclosed by a heat-insulating housing (walls of 10); at least one compartment (16) for accommodating articles to be cooled and being disposed within the inner space (Fig. 1) and having a curved edge (24); and a strip (18) disposed on a top of the curved edge (Figs. 2-4) and including a plastic core (¶ 21) wherein the strip has a groove (see annotated Fig. 4) into which the edge of the compartment for accommodating articles to be cooled is inserted (Fig. 4).

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10. Leimkuehler does not disclose the strip to have a metal jacket holding the plastic core in the curved edge. Fisher teaches an object (1) having a curved edge (perimeter of 1) surrounded by a metal jacket (6) holding a core (5) in a curved configuration (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the refrigerator of Leimkuehler wherein the edges of strip 18 are surrounded with a metal jacket as taught by Fisher, since it would have provided a decorative metal facing on the strip.



Leimkuehler Fig. 4

11. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leimkuehler in view of Fisher and Bono (US patent 3,233,644)

12. Regarding claim 11, Leimkuehler, as modified, teaches a refrigerator wherein the strip has a groove (see annotated Fig. 4) into which the edge of the compartment for accommodating articles to be cooled is inserted (Fig. 4).

13. Leimkuehler, as modified, does not teach the groove conforming to a bead into which the edge of the compartment is inserted. Bono teaches a compartment with a strip (16') disposed on a top of a curved edge (Fig. 1) wherein the strip has a groove

(27') conforming to a bead (11) into which the edge of the compartment is inserted. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the strip Leimkuehler to have a groove conforming to a bead into which the edge of the compartment is inserted by replacing the energy director (32) for welding with the groove which conforms to a bead taught by Bono, since it would have allowed the strip to be removed and replaced after manufacturing.

14. Regarding claim 12, Leimkuehler, as modified, teaches a refrigerator wherein the depth direction of the groove is aligned transversely to the radius of curvature of the decorative strip (Bono: Figs. 1-5).

15. Regarding claim 13, Leimkuehler, as modified, teaches a refrigerator wherein the width of the groove increases, at least at certain points, from an inlet region of the groove to its bottom (Bono: Figs. 1-5).

16. Regarding claims 14-15, Leimkuehler, as modified, teaches a refrigerator wherein the jacket has a thickness (Fisher: Fig. 2). Leimkuehler, as modified, does not teach a refrigerator wherein the jacket has a material thickness of about 0.1 to 0.3 mm. It would have been an obvious matter of design choice to one of ordinary skill in the art at the time of the invention to modify the jacket such that its material thickness was about 0.2 mm.

17. Regarding claim 16, Leimkuehler, as modified, teaches a refrigerator with a plastic core (18) and a metal jacket (Fisher: 6). Leimkuehler, as modified, does not teach a refrigerator wherein the plastic core and the metal jacket are co-extruded. This claim is a product by process claim and the plastic core and metal jacket do not depend

on the process of making it. The product-by-process limitation “co-extruded” would not be expected to impart distinctive structural characteristics to the plastic core and metal jacket. Therefore the claimed co-extruded metal jacket and plastic core is not different than an unobvious from the plastic core and metal jacket of Leimkuehler, as modified by Fisher.

18. Regarding claim 17, Leimkuehler, as modified, teaches a refrigerator wherein the compartment for accommodating articles to be cooled includes a door compartment (Fig. 1).

***Response to Arguments***

19. Applicant's arguments filed 4/29/11 have been fully considered but they are not persuasive.

20. Regarding applicant's arguments that the trim piece 18 of Leimkuehler covers the entire top face 22 and top edge 24 and the claims are amended to define a strip placed only on a top edge, the examiner disagrees. The claims require the strip to be disposed on a top of the curved edged. Leimkuehler teaches a strip 18 which is disposed on a top of the curved edge, see Figs. 2-4. The claims do not recite that the strip can only be placed on a curved edge.

21. Regarding applicant's arguments that the present strip is different than Leimkuehler's because the intended use of the strip of Leimkuehler is for aesthetics and not to reinforce an edge of a compartment as the present invention does, the examiner disagrees. The strip of Leimkuehler also reinforces the edge because it is structurally attached to the edge. Additionally, it has been held that a recitation with respect to the

manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. [*Ex. Parte Masham, 2 USPQ2d 1647 (1987)*]

22. Applicant's arguments, filed 4/29/11, with respect to the rejection(s) of claim(s) 11 under Leimkuehler in view of Fisher have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Leimkuehler, Fisher and Bono.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL ROHRHOFF whose telephone number is (571)270-7624. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R./  
Examiner, Art Unit 3637  
10/10/11

/JANET M WILKENS/  
Primary Examiner, Art Unit 3637